

Mayor Anthony Foxx

Michael D. Barnes
Dr. Jason Burgess
Nancy Carter
Warren Cooksey
Andy Dulin

Mayor Pro Tem Patrick D. Cannon

David L. Howard
Patsy Kinsey
James Mitchell, Jr.
Edwin Peacock III
Warren Turner

CITY COUNCIL BUSINESS MEETING
Monday, April 25, 2011

In addition to the previously advertised public hearing items, Key Businesses have asked that the time sensitive items listed below not be deferred.

Item #	Page #	Title
9	9	State Full Funding Grant Agreement for LYNX Blue Line Extension Project
10	10	Liquidity Agreement
17	19	Various Janitorial Services

CITY COUNCIL AGENDA
Monday, April 25, 2011

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AWARDS AND RECOGNITIONS

1. Dr. Charles Sifford Recognition

Action: Mayor Anthony Foxx to recognize Dr. Charles Sifford for his contribution to the Professional Golf Association and to the City of Charlotte.

CONSENT

- 2. Consent agenda items 15 through 21 may be considered in one motion except those items removed by a Council member. Items are removed by notifying the City Clerk before the meeting.**

PUBLIC HEARING

3. Public Hearing on FY2012 Annual Action Plan for Housing and Community Development

Action: Hold a public hearing on the proposed FY2012 Annual Action Plan for Housing and Community Development.

Staff Resource: Pamela Wideman, Neighborhood & Business Services

Policy

- The U.S. Department of Housing and Urban Development (HUD) mandates development of an Annual Action Plan to receive federal funding for housing and community development activities.
- The FY2012 Annual Action Plan (Plan) is the City's annual strategy for providing housing and community development activities.
- The Plan supports the City's housing policy to preserve existing housing, expand the supply of low and moderate-income housing and support family self-sufficiency, as well as the City's neighborhood revitalization strategy.

Explanation

- The FY2012 Action Plan includes housing and community development needs and resources for the City and Regional Housing Consortium.
- The Regional Housing Consortium is a partnership between the City, Mecklenburg County and the towns of Cornelius, Pineville, Matthews, Mint Hill and Huntersville.
- In FY2012 the City expects to receive the following federal funding allocation which includes a 16% reduction in Community Development Block Grant funding and a 12% reduction in HOME Investment and Partnership funding.

- Community Development Block Grant (CDBG)	\$ 4,764,193
- HOME Investments and Partnerships (HOME)	\$ 3,371,371
- Emergency Shelter Grants (ESG)	\$ 210,026
- Housing Opportunities for Persons with AIDS (HOPWA)	\$ <u>793,382</u>
Total	\$ 9,138,972

- The final federal budget is expected to be determined in the next 60 to 90 days. Should the anticipated CDBG and HOME funding amounts change, the City Council would not be required to hold another public hearing or amend the approved FY2012 Annual Action Plan. The changes would be handled through an administrative update by staff to the Regional Housing and Urban Development Field Office.

Community Input

- Neighborhood & Business Services staff convened three planning sessions to receive input to the development of the Plan.
- A copy of the draft FY2012 Action Plan, in both English and Spanish, was placed in several libraries throughout the City. A draft copy of the plan was also placed at the Charlotte Housing Authority and Old City Hall.

Next Steps

- City Council will be asked to approve the Plan at the May 9, 2011 meeting.
- The Plan will be submitted to HUD on May 13, 2011.

Funding

CDBG, HOME, ESG and HOPWA

Attachment 1

FY2012 Executive Summary

4. **Public Hearing on a Resolution to Close a Residual Portion of Brookside Lane**

Action: **A. Conduct a public hearing to close a residual portion of Brookside Lane, and**

 B. Adopt a resolution to close.

Staff Resources: Linda Poissant, Transportation
 Jeff Boenisch, Transportation

Policy

To abandon right-of-way that is no longer needed for public use

Explanation

- North Carolina General Statute 160A-299 outlines the procedures for permanently closing streets and alleys.
- The Charlotte Department of Transportation received a petition to abandon public right-of-way and requests this Council action in accordance with the statute.
- The action removes land from public right-of-way status and attaches it to the adjacent property.
- The attached resolution refers to exhibits and metes and bounds descriptions that are available in the City Clerk's Office.

Petitioner

City of Charlotte, Mecklenburg County- Jeb Blackwell

Right-of-Way to be abandoned

A residual portion of Brookside Lane

Location

Located in the University City Area, a residual portion of Brookside Lane is a 60-foot wide right-of-way beginning approximately 1,030 feet from its intersecting point with N. Tryon Street continuing 541 feet westward to its terminus.

Reason

This abandonment is in accordance with an infrastructure reimbursement agreement between the State of North Carolina, County of Mecklenburg and Crescent Resources, LLC, which caused a residual/nonessential portion of right-of-way to be formed through the Brookside Lane extension project.

Notification

In accordance with City Policy, the Charlotte Department of Transportation sent abandonment petitions to adjoining property owners, neighborhood associations, private utility companies and City departments for review.

Adjoining property owners

Crescent Resources, LLC- No objections
Furniture Row USA, LLC- No objections
Wal-Mart Stores East, LP- No objections
Donald Wilson Killian- No objections

Neighborhood/Business Associations

University City Partners- No Objections

Private Utility Companies – No objections

City Departments

Review by City departments identified no apparent reason this closing would:

- Be contrary to the public interest
- Deprive any individual(s) owning property in the vicinity of reasonable means of ingress and egress to his property as outlined in the statutes
- Be contrary to the adopted policy to preserve existing rights-of-way for connectivity

Attachment 2

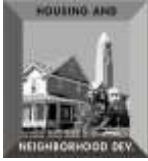
Map

Resolution

POLICY

5. City Manager's Report

6. Disposition of Johnston and Mecklenburg Mills



Action: A. Adopt a resolution authorizing the sale of the Johnston and Mecklenburg Mills properties to The Community Builders, Inc. for the sum of \$1,240,250 with closing to occur within 30 days of authorization, and

B. Adopt a budget ordinance appropriating \$1,240,250 to the General Capital Investment Plan.

Committee Chair: Patsy Kinsey

Staff Resource: Peter Zeiler, Neighborhood & Business Services

Explanation

- On September 27, 2010 City Council approved the use of an upset bid process for the private sale of the Johnston and Mecklenburg Mills properties, located at 3315, 3323 and 3327 North Davidson Street in the NoDa neighborhood.
- After receiving authorization for the sale process, staff continued to resolve railroad encroachment issues that had impeded past efforts to sell the mills. The railroad encroachment issues were resolved in December 2010 and staff immediately advertised the sale, held building walkthroughs and conducted pre-bid meetings in January.
- Four properly qualified firms submitted bids on February 11, 2011 and an upset bid period began, with an initial offer of \$610,000.
- The Community Builders, Inc. submitted the final and highest upset bid of \$1,240,250 on March 24, 2011.
- The Community Builders, Inc. is a non-profit housing developer that has delivered 25,000 mixed income units since 1964 and currently manages 100 properties with more than 8,000 units including several historic rehabilitation projects. Based in Washington DC, The Community Builders, Inc. has completed projects in cities including Boston, Philadelphia, Pittsburgh, Chicago, Cincinnati, Louisville, Tallahassee, Albany and Durham.
- All bidders agreed in advance to the terms of the purchase and sale agreement which include the restrictive covenants approved by Council in September 2010 to ensure:
 - Preservation of the Mills' historic designation for ten years
 - Development of a minimum of ten affordable residential units per mill building
 - A minimum of 20% of total residential units affordable to households earning 60% of Area Median Income for 20 years
 - Commencement of the development within three years of the sale
 - Maintenance of existing security measures to keep the mill properties secure
- A violation of any of the restrictive covenants allows the City to buy the property back at a discounted rate.

Background

- In August 1990, the City approved a \$1,000,000 loan to Trenton Property, Inc. for the acquisition and rehabilitation of Johnston and Mecklenburg Mills.
- In June 1991, the City provided an additional loan of \$2,533,500 to develop Johnston Mill and renegotiated the \$600,000 balance of the original loan. The City invested \$2.4 million for the rehabilitation of the Mecklenburg Mill Apartments.
- In September 2004, City Council approved an additional \$800,000 to acquire the first mortgage for Johnston Mill Apartments to protect the City's interest and maintain the units as affordable.
- In January 2006, the City foreclosed and took possession of both the Mecklenburg and Johnston Mill apartments.
- In May 2006, the residents in Mecklenburg Mill were evacuated for safety concerns.
- In February 2007, City Council approved a Request for Proposal process to dispose of the Mill properties.
- In July 2008, City Council authorized sale of the property to NoDa Mills, LLC for \$475,000. NoDa Mills LLC never completed the purchase of the site and in December 2008 the sale offer expired.
- The City Manager received a cash offer for sale of the properties on June 30, 2010.
- On June 30, 2010 the Housing and Neighborhood Development Committee discussed a range of approaches for disposition given the purchase offer and interest expressed by other parties and directed staff to provide more details for both an upset bid process and a private sale process.
- On August 2, 2010 the Committee discussed the two potential disposition methods. The Committee voted to recommend a private sale process designed to solicit highest bids for purchase of the property to be redeveloped with historic preservation and affordable housing conditions.
- Proceeds from the sale will be used to pay back a \$653,336 Section 108 loan and other costs incurred to secure the property. The remaining \$586,914 will be appropriated in an unexpendable account and reserved to mitigate any further reductions to Community Development Block Grant funds.

Attachment 3

The Community Builders, Inc. Overview
Resolution
Budget Ordinance

BUSINESS

7. Better Buildings Grant



Action: Authorize the City Manager to negotiate a contract with the Southeast Energy Efficiency Alliance to disburse up to \$400,000 in Energy Efficiency Funds from the U.S. Department of Energy.

Staff Resources: Robert Phocas, City Manager's Office
Daria Milburn, Neighborhood & Business Services

Policy

Environment Focus Area Plan Initiative ENV.5 – *“Collaborate with local and regional public and private partners and neighborhoods to enhance environmental quality and long-term sustainability.”*

Explanation

- The Southeast Energy Efficiency Alliance (SEEA) is a non-profit organization whose mission is to promote energy efficiency throughout the Southeastern United States.
- In 2010, SEEA was awarded a U.S. Department of Energy (DOE) Better Buildings Program (BBP) grant on behalf of a consortium of 15 cities in the Southeast, including Charlotte. Other partner cities include Atlanta, Miami, New Orleans, Charleston, and Charlottesville.
- Under BBP, DOE awarded the SEEA consortium of cities \$20 million to be spent over a period of three years to develop programs that improve the energy performance of privately owned buildings.
- Approximately \$400,000 of this grant to SEEA has been allocated for use in the City of Charlotte.
- All funds will be managed and disbursed by SEEA, through its headquarter offices in Atlanta.
- No funds will be transferred to the City.
- There is no City financial commitment for this project.
- The proposed contract addresses how SEEA will partner with the City to spend the \$400,000 of funding allocated to Charlotte. Specifically, this contract addresses:
 - Funds management on behalf of the City
 - Program development and implementation
 - Program staffing and management
- Using a portion of Charlotte's allocated funds, SEEA will hire an individual to manage the Charlotte BBP project. This person will be housed within Neighborhood & Business Services and will coordinate with City staff, but will be paid by and report to SEEA staff in Atlanta. This follows SEEA's protocol with other consortium cities, and has been determined to be the most efficient arrangement for program management and SEEA's federal reporting obligations.
- Neighborhood & Business Services will oversee the SEEA BBP project and monitor the use of Charlotte's allocated funds.
- The City intends to partner with Duke Energy to develop a program that enhances Duke Energy's Smart \$aver Incentive Program.
- Duke Energy's Smart \$aver Incentive program rewards businesses for installing energy efficient equipment. The intent of the program is to help businesses offset up-front costs, reduce payback time and accelerate

energy savings. The Smart \$aver program offers businesses a prescriptive list of cash incentives for installing high-efficiency equipment.

- Charlotte's BBP funds will be used to provide additional financial support to businesses participating in Duke Energy's Smart \$aver program.
- The number of buildings that will be retrofitted will depend on building square footage and project scopes. Using the City's existing Commercial Building Energy Efficiency Retrofit Program as a reference, staff anticipates approximately 10 to 20 projects over the course of the funding period.
- During the program development process, the City, SEEA and Duke Energy will also explore opportunities to expand these energy efficiency efforts to the residential sector.

Funding

American Reinvestment and Revitalization Act Funds

8. Mecklenburg County Consolidated Capital Planning Initiative Resolution

Action: Adopt a Resolution of Support for Mecklenburg County's Consolidated Capital Planning Initiative.

Staff Resources: Bobbie Shields, County Manager's Office
Timothy Tibbs, County Manager's Office
Jonathan Wells, Planning

Policy

Infrastructure General Development Policy

Explanation

- In 2010, IBM launched a competitive grant to award 100 communities technical assistance.
- In October 2010, Mecklenburg County was one of three in the U.S. selected to participate.
- In November 2010, a team of five IBM executives worked with local stakeholders to identify strategies and recommendations aimed at maximizing the County's capital planning initiatives.
- This planning process involved staff from the County, the City, Charlotte Mecklenburg Schools, and the Mecklenburg towns.
- Recommendations include:
 - Using and strengthening many capital planning structures already in place (Joint Use Task Force and area planning)
 - Creating a neighborhood modeling effort as a means of strategic decision-making (expansion of the Neighborhood Quality of Life Study)
- The model does not propose relinquishing the City's capital planning authority or funding to the County.
- This initiative is consistent with City Council's *Infrastructure General Development Policy* (2007) and will serve to be a catalyst in its implementation, most notably in meeting the following Guiding Principles contained in the policy:
 - "Define infrastructure needs comprehensively and with enhanced coordination among infrastructure providers"

- "Seek regional solutions – where applicable – to infrastructure issues and problems"
- The Mecklenburg County Board of Commissioners is asking local elected bodies (City Council and Mecklenburg towns) to consider Resolutions of Support for the initiative.
- The town boards of Davidson, Huntersville and Matthews have already adopted Resolutions of Support.
- No expenditure of City funds is involved.
- City Council received a presentation on the initiative at the April 11 dinner meeting.

Attachment 4

Resolution

9. State Full Funding Grant Agreement For LYNX Blue Line Extension Project

- Action:**
- A. Authorize the Mayor to request a letter of commitment from the North Carolina Secretary of Transportation for the State's 25% financial partnership share of the cost of the Northeast Corridor LYNX Blue Line Extension (BLE) light rail project, and**
 - B. Adopt a resolution authorizing the City Manager to negotiate and execute a State Full Funding Grant Agreement and grant contract with the North Carolina Department of Transportation (NCDOT) for a 25% financial partnership share of the cost of the Northeast Corridor LYNX Blue Line Extension (BLE) light rail project. This action will be conducted in coordination with action by the Metropolitan Transit Commission.**

Staff Resources: Carolyn Flowers, Transit
Dee Pereira, Transit

Explanation

- N.C.G.S. 136-44.20(b1) authorizes the Secretary of the North Carolina Department of Transportation (NCDOT) to enter into State Full Funding Grant Agreements (SFFGA) with agencies and/or municipalities organized under the laws of the State of North Carolina. An SFFGA provides State matching funds for "New Starts" fixed guideway projects and is only executed upon the local project sponsor's completion of, and the Federal Transit Administration (FTA) approval of, the Final Environmental Impact Statement (FEIS) and issuance of a Record of Decision (ROD).
- A North Carolina SFFGA demonstrates to the FTA that the local project sponsor has secured not only its own financial support and commitment for the project, but non-Federal (State) support as well. The combined state and project sponsor financial support is critical to establishing that there is an adequate Local Financial Commitment to complete the project – as required by the federal process.
- An SFFGA is initially created when the project receives a ROD from the FTA upon publication of a FEIS. The ROD establishes that the project meets the requirements of the National Environmental Policy Act (NEPA).
- These actions will be coordinated with the actions taken by the Metropolitan Transit Commission on the SFFGA for the BLE light rail project.

- The current BLE milestone schedule is as follows:

65% Design	December 2011
FTA Issues ROD	December 2011
Execute SFFGA	December 2011

Next Steps

- In July 2011, CATS is scheduled to submit an FEIS to FTA, followed in September by a Financial Plan and New Starts Criteria to FTA for the Annual Section 5309 New Starts Project Evaluation and Rating. Local Financial Commitment is a key rating criteria of non-Federal funding and is demonstrated, in part, by a letter of commitment from NCDOT for 25% of the project cost.
- Issuance of the ROD by FTA provides the project sponsor with pre-award authority to start using local (non-Federal) funds to procure right-of-way, begin utility relocation, and procure vehicles. In order to achieve the project milestones and have adequate cash flow to advance these procurements, it is critical for the State, the City and the ½ cent sales tax funds to “frontload” the required cash in a timely manner. It is therefore important to negotiate and execute the SFFGA immediately following the issuance of the ROD.
- The proposed schedule for execution of the SFFGA is as follows:

April 25, 2011	City Council authorizes: <ul style="list-style-type: none"> a) Negotiation and execution of SFFGA and grant contract for BLE b) Request for letter of financial commitment from NCDOT
April 27, 2011	MTC authorizes: <ul style="list-style-type: none"> a) Negotiation and execution of SFFGA and grant contract for BLE b) Request for letter of financial commitment from NCDOT
May 5, 2011	NC Board of Transportation: <ul style="list-style-type: none"> a) Adopts Resolution in support of BLE b) Authorizes Secretary to issue NCDOT letter of financial commitment
May/June 2011	NC Secretary of Transportation issues NCDOT Letter of Commitment
Nov. 2011	NC Board of Transportation authorizes execution of SFFGA and grant contract for BLE
Dec. 2011	NCDOT/City sign SFFGA and execute grant contract

Attachment 5
Resolution

10. Liquidity Agreement

Action: Adopt the following resolutions related to management of the City's debt portfolio:

- 1. Amend and renew the liquidity agreement with Bank of America for the 2003F Certificates of Participation for a period of three years, and**
- 2. Increase the liquidity with Bank of America for the General Obligation Commercial Paper program from \$100 million to \$150 million and renew the agreement for a period of one year.**

Staff Resource: Scott Greer, Finance

Explanation

- The City of Charlotte maintains liquidity on all its variable rate debt as part of its practices in maintaining its ratings.
- The 2003F Certificates of Participation were a component of the 2003 Arena financing.
- Liquidity agreements are generally renewed every one to three years. The renewal terms are in alignment with the current liquidity market.
- On September 28, 2009 City Council approved a new \$150 million General Obligation Commercial Paper program; however, in order to maintain maximum flexibility, the City obtained only \$100 million in liquidity for the program.
- The program allows the City to fund voter-approved projects with lower cost, short-term debt until program funds are exhausted and permanent, long-term debt is issued to replace the short-term debt. Interest on commercial paper is significantly lower than interest on fixed rate bonds, which has provided the City with additional flexibility in its capital formation.
- The current program will fully expend the \$100 million by May. The City has negotiated an additional \$50 million of liquidity with the current provider at a lower rate than the original \$100 million program.
- The program will be renewed for a period of one year, at which time it is anticipated the additional \$50 million will have been spent and the City will issue long-term debt to close the program.

Funding

Tourism Debt Service Fund and Municipal Debt Service Fund

Attachment 6

Resolutions

11. Recruitment and Selection Process for City Attorney

- Action:**
- A. Approve the process and timeline for the recruitment and selection of the new City Attorney, and**
 - B. Approve the basic position requirements to be used in the recruitment and selection of the new of City Attorney.**

Staff Resource: Cheryl Brown, Human Resources

Explanation

- On April 4, 2011, the City Council directed the City Human Resources Director to develop a process and timeline for filling the vacancy of City Attorney.
- The City Attorney vacancy will be created by the retirement of current City Attorney Dewitt (Mac) McCarley, effective December 30, 2011.
- City Council directed the City Human Resources Director to lead the recruitment and selection process and not solicit assistance from an external recruiting firm, which will result in significant savings.

Attachment 7

City Attorney Recruitment Process Action Plan
Basic Position Requirements for City Attorney

12. Nominations to Boards and Commissions

Action: Nominate citizens to serve as specified.

A. DEVELOPMENT REVIEW BOARD

- The Development Review Board is a new board established by City Council as part of the Subdivision Ordinance update, creating an Alternative Compliance provision that may be decided by the Development Review Board. City Council will make eight appointments for staggered initial terms as shown beginning July 1, 2011. The mayor will make four appointments. Alternates will vote when another professional category member has a conflict of interest.
 - One appointment for an architect for a one-year term ending June 30, 2012
 - One appointment for a member of the Planning Commission for a one-year term ending June 30, 2012
 - One appointment for a public health professional for a three-year term ending June 30, 2014
 - One appointment for a real estate attorney for a three-year term ending June 30, 2014
 - One appointment for a real estate development industry representative for a two-year term ending June 30, 2013.
 - One appointment for a transportation or urban planner for a two-year term ending June 30, 2013
 - One appointment for a civil engineer as an alternate for a three-year term ending June 30, 2014
 - One appointment for a landscape architect as an alternate for a three-year term ending June 30, 2014

Attachment 8

Applications

13. Appointments to Boards and Commissions**Action: Vote on blue paper ballots and give to Clerk at dinner.****A. CHARLOTTE INTERNATIONAL CABINET**

- One appointment for a cultural/ethnic representative for a three-year term beginning July 1, 2011.
 - Troy Pelshak by Council Members Dulin and Peacock
 - Adelheid Rundholz-Eubanks by Council Members Burgess, Carter, Cooksey and Kinsey
 - Bahiyah Walker by Council Members Howard, Mitchell and Turner

Attachment 9

Applications

B. CHARLOTTE REGIONAL VISITORS AUTHORITY

- Two appointments for at-large representatives for three-year terms beginning July 1, 2011.
 - Doris Asbury by Council Members Cannon and Mitchell
 - Darryl Broome by Council Member Dulin
 - Carlton Crump by Council Members Barnes, Burgess and Cannon
 - Jackie Ford by Council Member Turner
 - Scott Jensen by Council Member Peacock
 - T. Anthony Lindsey, incumbent, by Council Members Burgess, Carter, Cooksey, Howard and Mitchell
 - Gary Roelke by Council Members Carter and Cooksey
 - Lloyd Scher by Council Members Barnes and Kinsey
 - Rebecca Stoddard by Council Member Kinsey
 - Marilyn Sutterlin by Council Member Peacock
 - Shelley Young by Council Member Howard

Attachment 10

Applications

C. CITIZENS' TRANSIT ADVISORY GROUP

- One appointment for a two-year term beginning July 1, 2011.
 - Greg Austin by Council Member Turner
 - Lee Cochran by Council Members Howard and Peacock
 - Bea Dewing by Council Member Kinsey
 - Scott Mickle by Council Member Cooksey
 - Heather Myers by Council Members Carter and Dulin
 - Katherine Payerle by Council Member Peacock
 - Wilbert Russell by Council Members Barnes and Burgess

Attachment 11

Applications

D. CIVIL SERVICE BOARD

- One appointment for a three-year term beginning May 16, 2011.
 - Ralph Barnes by Council Member Kinsey

- Veronica Jones by Council Member Turner
- John Lambert by Council Member Peacock
- Jason McGrath by Council Members Burgess, Cannon, Cooksey, Dulin and Howard
- Thomas Mitchell by Council Members Barnes and Carter

Attachment 12

Applications

E. COMMUNITY RELATIONS COMMITTEE

- One appointment for an unexpired term beginning immediately and ending June 30, 2013.
 - Toria Boldware by Council Members Barnes, Cannon and Howard
 - Chantay Cooper by Council Member Turner
 - Sue Korenstein by Council Members Kinsey and Peacock
 - Maneisha LaFate by Council Member Dulin
 - Vernetta Mitchell by Council Member Carter
 - Marty Puckett by Council Member Cannon
 - Michael Tanck by Council Members Cooksey, Dulin and Peacock
 - Bahiyyah Walker by Council Member Burgess

Attachment 13

Applications

F. KEEP CHARLOTTE BEAUTIFUL

- Two appointments for three-year terms beginning July 1, 2011.
 - Richard Flanagan, Jr. by Council Members Burgess, Carter, Cooksey and Peacock
 - Gregory Greer by Council Members Cooksey, Howard and Mitchell
 - Murray Hines by Council Members Barnes, Howard, Kinsey and Turner
 - Taurean Walker by Council Members Barnes, Burgess, Carter, Kinsey, Mitchell and Turner

Attachment 14

Applications

G. NEIGHBORHOOD MATCHING GRANTS FUND REVIEW TEAM

- One appointment for a business representative for a two-year term beginning April 16, 2011.
 - Wofford Boyd III by Council Member Dulin
 - Tami Burris by Council Member Barnes
 - Kathleen Cornett by Council Member Kinsey
 - Karen Labovitz by Council Member Burgess
 - Jerome Miller by Council Members Cannon, Howard and Mitchell
 - Stephanie Stenglein by Council Members Cooksey, Peacock and Turner
 - Brigit Taylor by Council Member Carter

Attachment 15

Applications

H. PLANNING COMMISSION

- One appointment for a three-year term beginning July 1, 2011.
 - Emmanuel Choice by Council Members Cannon, Howard, Mitchell and Peacock

- Rickey Hall by Council Member Turner
- Karen Labovitz by Council Members Burgess, Carter, Cooksey and Kinsey
- Nancy Newton by Council Member Barnes

Attachment 16

Applications

I. PRIVATIZATION/COMPETITION ADVISORY COMMITTEE

- One appointment for an unexpired term beginning immediately and ending March 1, 2012.
 - Lisa Crawford by Council Member Howard
 - Robert Diamond by Council Members Cooksey and Turner
 - Randall Miller by Council Member Mitchell
 - Katherine Payerle by Council Members Cannon, Carter and Peacock
 - Adrian Woolcock by Council Member Barnes
 - Julian Wright, Jr. by Council Members Burgess and Kinsey

Attachment 17

Applications

14. Mayor and Council Topics

Council members may share information and raise topics for discussion.

CONSENT

Introduction to CONSENT

Consent consists of routine items that have been approved in the budget. Price lists for unit price contracts are available upon request.

The City's Small Business Opportunity (SBO) Program's purpose is to enhance competition and opportunity in City contracting with small businesses in the Charlotte metropolitan statistical area. Participation of small business enterprises (SBE) is noted where applicable. Contracts recommended for award as of March 1, 2003 comply with the provisions of the SBO program policy for SBE outreach and utilization. Professional service contracts recommended for award as of August 1, 2003 comply with the provisions of the SBO program policy for SBE outreach and utilization.

Disadvantaged Business Enterprise (DBE) is a federal program primarily used for Aviation and Transit.

Contractors and Consultants

All contractor and consultant selections follow the Council approved process unless described otherwise. For the procurement of professional services and/or engineering architectural and surveying services, the North Carolina General Statutes 143-64.31 requires that units of government "select firms qualified to provide such services on the basis of demonstrated competence and qualification...without regard to fee other than unit price information, and therefore to negotiate a contract for those services at a fair and reasonable fee with the best qualified firm."

15. Belmont Gateways Project

Action: Award the low bid contract of \$268,753.91 to ECON International Corp. for the Belmont Gateways Project.

Staff Resource: Leslie Bing, Engineering & Property Management

Explanation

- This project will include the construction of infrastructure improvements at the intersections of North Davidson Street at Parkwood Avenue and Hawthorne Lane at Parkwood Avenue.
- The improvements will include:
 - Construction of concrete curb and gutter
 - Sidewalk
 - Wheelchair ramps
 - Pedestrian signals
 - Crosswalks
 - Brick entry monuments.
- In May 2003, City Council adopted the Belmont Revitalization Plan which included the Belmont Gateways project.
- This project was part of the City's \$8.8 million infrastructure improvement commitment to the HOPE VI project for the Belmont Community.
- Neighborhood residents were closely involved in the design and implementation of the Belmont Revitalization HOPE VI project.
- Funding for this project was included in the 2004 Neighborhood Bonds.
- Construction is expected to be complete fourth quarter 2011.

Small Business Opportunity

Established SBE Goal: 6%

Committed SBE Goal: 6.95%

ECON International Corp. committed 6.95% of their base bid amount to the following SBE firms: GATC Contracting (fire hydrant relocation and CDOT pull boxes) and Streeter Trucking (hauling).

Funding

Transportation Capital Investment Plan

16. 911 Back-up Generator Purchase

- Action:**
- A. Approve the purchase of a 911 back-up generator as authorized by the cooperative purchasing exemption of G.S. 143-129(e)(3), and**
 - B. Approve a contract with Carolina Cat for the purchase of a back-up generator in the amount of \$107,000.**

Staff Resource: Sue Rutledge, Engineering & Property Management

Explanation

- NC General Statute 143-129(e) authorizes competitive group purchasing.
- Carolina CAT has a national contract through National Joint Powers Alliance that offers discount pricing to public agencies nationwide through competitively solicited contracts.
- This generator will be installed at the Charlotte Police and Fire Training Academy for the purpose of outfitting a back up 911 Center in an event of a power failure.
- This will meet service requirements critical to public safety and business continuity.

Small Business Opportunity

Cooperative purchasing contracts are exempt (Appendix Section 23.2 of the SBO Policy).

Funding

Government Facilities Capital Investment Plan

17. Various Janitorial Services

- Action:**
- A. Approve service contracts for Janitorial Services with the following service providers for an initial term of three years with aggregated estimated annual expenditure of \$649,000:**
- Charlotte Environmental Services
 - ISS Facility Services, Inc.
 - Interstate Contract Cleaning Services.
- B. Authorize the City Manager to renew the contracts for up to two additional one-year terms, with possible price adjustments as authorized by the contract and contingent upon performance, and**
- C. Authorize the City Manager to approve additional services and service locations at the prevailing contract rates on an as needed basis during the term of the contracts.**

Staff Resource: Charles Robinson, Business Support Services

Explanation

- Engineering & Property Management (E&PM), Business Support Services - Equipment Management Division (BSS/EMD), Solid Waste Services (SWS), and Charlotte Mecklenburg Utilities (CMU) currently use contract Janitorial Services at the following locations which consist of approximately 477,000 combined cleanable square feet:
 - E&PM -
 - o Charlotte Mecklenburg Government Center (CMGC) – 600 East 4th Street
 - o Old City Hall (OCH) - 600 Block of East Trade Street
 - CMU -
 - o 11235 Sam Furr Road
 - BSS/EMD -
 - o 704 Tuckaseegee Road
 - o 829 Louise Avenue
 - o 932 Seigle Avenue
 - o 4600 Sweden Road
 - o 115 Dwelle Street
 - o 1031 Atando Avenue (facility currently under construction to open July 2011)
 - SWS – 1105 Otts Street
- Estimated annual savings of \$40,297 will result from this solicitation.
- The City issued a Request for Proposals for these services and received 24 proposals in response to the solicitation issued on February 7, 2011.
- After a thorough evaluation, the Project Team - consisting of staff from BSS, CMU, E&PM, and SWS - chose Charlotte Environmental Services, Interstate Contract Cleaning Services, and ISS Facility Services, Inc. as the Service Providers best meeting the established requirements in the areas of qualifications, experience, cost effectiveness and value.

Contract Terms

- The aggregate estimated five year term cost for Janitorial Services at all locations is \$3,245,000.
- The contracts will have an initial term of three years with the option to renew for two additional consecutive one-year terms.

- Contract renewal after the initial term of three years is contingent upon availability of funds, as well as the company’s satisfactory performance.
- The contracts allow additional Key Business Units to use the awarded contracts. Additionally, these contracts will be made available to Mecklenburg County.
- These contracts provide for all required equipment, materials, tools, paper products, cleaning agents, labor, and supervision to maintain each facility.
- Janitorial maintenance of each facility includes daily, weekly, monthly, and quarterly cleaning schedules, along with annual carpet cleaning.
- This solicitation yielded an additional part-time Day Porter, at no additional cost to the City, which will share duties between CMGC and OCH. Day Porter duties include stocking restroom products, emptying trash and cleaning spills.
- The contract requires all cleaning products used by the Service Provider to be biodegradable and certified under Green Seal GS-37, and not be formulated with carcinogens, ammonia, or ozone depleting compounds.
- The selected Service Providers also provide additional green cleaning initiatives such as: using environmental safe equipment as specified in the LEED-EB “Green Building Rating System” and color coded cleaning methodologies.

Small Business Opportunity

For services-based contracts, the City seeks to negotiate SBE goals during the contract negotiation process (Part C: Section 2.2 of the SBO Policy). The contractors recommended for this contract have committed to use 9.88% on an annual basis to the following SBE firms: All Things Professional Cleaning, Inc. (general cleaning); and Rug Busters (carpet cleaning).

Funding

Various KBU Operating Budgets

18. Surety Tender Agreement and Completion Contract for Fred D. Alexander Boulevard

Action:

A. Accept and approve Tender Agreement with Travelers Casualty and Surety Company of America that offers Blythe Development Company as the completion contractor in satisfaction of the Performance Bond for the Fred D. Alexander Boulevard Section B-2 Project (Freedom Drive to Old Mt. Holly Road), and

B. Approve Completion Contract with Blythe Development Company, as incorporated in the Tender Agreement, for Fred D. Alexander Boulevard Section B-2 Project.

Staff Resources: Jude Starrett, City Attorney’s Office
 Bryan Tarlton, Engineering & Property Management

Explanation

- The Fred D. Alexander Boulevard Section B-2 Project includes the construction of approximately 4,000 feet of a four-lane median-divided roadway with sidewalk, bicycle lanes, a large culvert and two bridges between Freedom Drive and Old Mount Holly Road. The original contract for \$11,190,247.57 was awarded to Scurry Construction, Inc.

- As previously reported in the March 25, 2011 Council Manager Memo, financial difficulties prevented Scurry Construction, Inc. from being able to complete the project and resulted in the termination of Scurry's contract with the City.
- At the time of the termination, approximately 55% of the work had been performed and Scurry was on schedule to complete the contract by November 2011.
- Demand was made on Travelers Casualty and Surety Company of America (Travelers) to complete the project in accordance with its obligations under the Performance Bond.
- Travelers acknowledged its obligations and solicited offers from general contractors for the cost to complete the project. Blythe Development Company submitted an offer of \$4,776,960.91 to Travelers. Travelers has "tendered" Blythe Development Company to the City as the completion contractor. In Part A of this action item, Council is asked to accept Travelers' offer in satisfaction of its obligations to the City under the Performance Bond and approve the Tender Agreement.
- Upon execution of the Tender Agreement, Travelers will pay the City the difference between the completion contract price quoted by Blythe Development Company and the balance of unbilled contract funds, which is the outstanding penal sum of the Performance Bond. When the project has been completed, final quantities and contract values will be calculated and it will be determined whether Travelers is owed a refund.
- Council is asked in Part B of this item to approve a Completion Contract between the City of Charlotte and Blythe Development Company, the terms of which are incorporated in the language of the Tender Agreement.
- Under the terms of the Completion Contract, Blythe Development Company agrees to fully perform the remaining work in the project in accordance with the original plans and specifications and the City will pay Blythe Development Company directly. Blythe also agrees to meet the scheduled completion date of November 16, 2011, and to accept the liquidated damages provision in the original contract if it fails to do so. And, Blythe agrees to furnish separate performance and payments bonds for the value of the completion work.
- Approval of these items will allow staff to issue a notice to proceed immediately and resume construction activities.

Background

- City Council awarded this contract to Scurry Construction, Inc. on October 12, 2009.
- Fred D. Alexander Boulevard Section B-1 (Old Mount Holly Road to Valleydale Road) was completed in fall 2010.
- A third section of Fred D. Alexander Boulevard (Section C) between Valleydale Road and Brookshire Boulevard is on schedule to be completed by fourth quarter 2011 by Blythe Development, Inc.
- Funding for construction of this project was included in the 2006 and 2008 transportation bonds.

Small Business Opportunity

The SBE goal originally established for this SBE contract was set at 8% and Scurry Construction committed 30.5% of its bid amount to SBEs. As of the date of Scurry's termination, Scurry had used SBEs for 28.90% of the contract dollars spent, primarily with Kirkman Construction, Inc. Blythe Development Company intends to use Kirkman Construction, Inc. to complete the project and Kirkman has executed a Ratification Agreement with Travelers.

19. Risk Management Office Space Lease Extension

Action: Authorize the City Manager to approve a lease extension with 301 Cameron Associates, LLC (Cameron Brown Building) for the City's Risk Management Division of the Finance Department for \$184,944.48 per year for a two-year lease with a one-year option with 3% annual increases.

Staff Resource: Timothy J. O'Brien, Engineering & Property Management

Explanation

- Risk Management is currently located on the 11th floor of the Cameron Brown Building. They have occupied the space there since May 31, 2006.
- City staff negotiated the lease rate from \$21.24 per square foot to \$18.50 per square foot. This lease extension will allow Risk Management staff to remain in their current location.

Terms of the Lease Agreement

- 9,997 square feet of office space (no change)
- Lease rate will be lowered from \$21.24 per square foot to \$18.50 per square foot.
- Lease was to end on July 31, 2011 but would now extend to July 31, 2013, with a one-year option.
- 3% rate increase for year two and year three if the option is exercised.
- New rate will be effective on May 1, 2011; three months early, saving the City \$6,847.95 from the current higher rate.

Funding

Finance Operating Budget

PROPERTY ITEMS

20. Property Transactions

Action: Approve the following property transaction (A) and adopt the condemnation resolution (B).

- The City has negotiated in good faith to acquire the properties set forth below.
- For acquisitions, the property owner and staff have agreed on a price based on appraisals and/or estimates.
- In the case of condemnations, the value was established by an independent, certified appraisal followed by a third-party appraisal review. In most cases, City staff and the property owner(s) have been unable to reach a settlement. In some cases, condemnation is necessary to insure a clear title to the property.
- If City Council approves the resolutions, the City Attorney's Office will initiate condemnation proceedings. As part of the condemnation process, real estate staff and the City Attorney's Office will continue to negotiate, including court-mandated mediation, in an attempt to resolve the matter. Most condemnation cases are settled by the parties prior to going to court.
- If a settlement cannot be reached, the case will proceed to trial before a judge or jury to determine "just compensation."
- Full text of each resolution is on file with the City Clerk's Office.

Acquisition

- A. Project:** Belmont Plan - Gateways, Parcel # 3.1
Owner(s): Luke Logan Olive & Reece, LLC And Any Other Parties Of Interest
Property Address: 1614 North Davidson Street
Property to be acquired: 21482 sq. ft. (.493 ac.) in Fee Simple (total take)
Improvements: None
Landscaping: None
Zoned: R-8
Use: Single Family Residential
Tax Code: 081-101-01
Total Parcel Tax Value: \$41,400
Purchase Price: \$152,000

Condemnation

- B. Project:** Murrayhill Road Sidewalk, Parcel # 71
Owner(s): Larry Albert Brackett And Any Other Parties Of Interest
Property Address: 5633 Murrayhill Road
Property to be acquired: 3,159 sq. ft. (.073 ac.) in Temporary Construction Easement
Improvements: Driveway
Landscaping: Trees
Zoned: R-4
Use: Single Family Residential
Tax Code: 171-071-14
Total Parcel Tax Value: \$216,800
Appraised Value: \$4,575

Property Owner's Counteroffer: None

Reason For Condemnation: This project is being built to add sidewalk as part of the City's Capital Improvement Program to provide a safe, efficient, comfortable, pedestrian system to improve the quality of life of its residents, visitors and businesses. After addressing the property owners concerns regarding the design, staff and the property owner have not been able to reach an agreement regarding the appraised amount. In order to maintain the project schedule, condemnation is recommended.

Attachment 18

Explanation

Photos

21. Meeting Minutes

Action: Approve the titles, motions and votes reflected in the Clerk's record as the minutes of:

- **January 31, 2011**
- **February 1, 2011**
- **February 7, 2011**
- **March 2, 2011**